

REMARKS

Prior to this Amendment, Claims 1-9 were pending in this application. Claims 1-3, 5, and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,012,462 to Schmittou in view of U.S. Patent No. 5,711,454 to Kobayashi et al. and U.S. Patent No. 4,592,376 to Sigmund et al. Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Schmittou in view of Kobayashi and Sigmund, further in view of U.S. Patent No. 5,755,241 to Cheung. Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Schmittou in view of Kobayashi et al. and Sigmund et al., and further in view of U.S. Patent No. 4,826,046 to Rudick. Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Schmittou in view of Kobayashi et al. and Sigmund et al., and further in view of U.S. Patent No. 4,792,250 to Turner. Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Schmittou in view of Kobayashi et al. and Sigmund et al., and further in view of U.S. Patent No. 5,297,882 to Kornides.

As indicated above, Claims 1-3 have been amended, and Claim 4 has been cancelled. No new matter has been presented. Claims 1-3 and 5-9 are now pending, with Claim 3 as an independent claim.

Regarding the §103(a) rejection of amended independent Claim 3, which has been amended to incorporate limitations from cancelled dependent Claim 4, amended independent Claim 3 is patentable over Schmittou, Kobayashi, Sigmund, and Cheung. In the rejection of dependent Claim 4, the Examiner states that Schmittou, Kobayashi, and Sigmund fail to suggest, “wherein the comb assembly is pivotally attached to one end of the main body,” but asserts that Cheung teaches this limitation. (Office Action, page 3). More specifically, the Examiner asserts that the comb 16 of Cheung is a pivotal comb, citing FIG. 2 and column 3, lines 43-47 of Cheung. However, regarding the comb 16, Cheung states:

A comb or spreader 16 is releasably mounted to the reservoir 4, for example, by means of a tongue 18 on the comb 16 being slidably received in a corresponding groove 20 in the reservoir 4, the plane of the comb 16 making an angle of about 40° to the axes of the

container 2 as best seen in FIG. 3. (Cheung, column 3, lines 44-49).

Therefore, according to Cheung, the comb 16 is does not pivot, but linearly slides onto the reservoir 4 at a fixed angle of 40°, which explicitly teaches away from a pivotal comb. Therefore, Cheung does not cure the deficiencies of Schmittou, Kobayashi, and Sigmund.

For at least the reasons stated above, Schmittou, Kobayashi, Sigmund, and Cheung do not teach, disclose, or suggest, alone or in combination, all of the limitations of amended independent Claim 3. Therefore, amended independent Claim 3 is patentable over Schmittou, Kobayashi, Sigmund, and Cheung. Accordingly, withdrawal of the §103(a) rejection of amended independent Claim 3 is respectfully requested.

Regarding the §103(a) rejection of dependent Claim 7, this claim is patentable over Schmittou, Kobayashi, Sigmund, and Turner. The Examiner asserts that Schmittou, Kobayashi, and Sigmund fail to disclose a valve mounted in each of the flow channels, but asserts that Turner teaches, “a valve (208) mounted in each of the flow channels to control the amount of fluid dispensed through the valve (column 8, lines 35-50).” (Office Action, page 4). However, Claim 7 does not recite controlling an amount of fluid dispensed through each valve, but specifically recites that dye is mixed or separated from another dye according to selected positions of the valve. Turner does not teach, disclose, or suggest this limitation. Further, the Examiner’s rejection fails to address the limitations actually recited in the claim, and therefore, the Examiner has failed to establish a prima facie case for obviousness regarding the above-quoted limitation. Therefore, Turner fails to cure the deficiencies of Schmittou, Kobayashi, and Sigmund.

For at least the reasons stated above, Schmittou, Kobayashi, Sigmund, and Turner fail to teach, disclose, or suggest, alone or in combination, all of the limitations of dependent Claim 7. Therefore, Claim 7 is patentable over Schmittou, Kobayashi, Sigmund, and Turner. Accordingly, withdrawal of the §103(a) rejection of Claim 7 is respectfully requested.

Regarding the §103(a) rejection of dependent Claim 8, this claim is patentable over Schmittou, Kobayashi, and Sigmund. Claim 8 includes the limitation of “intermediate plate attached to the dye inlet port so that the at least one dye container is easily replaced irrespective of the size of a mouth of the dye container,” the Examiner rejects this claim together with Claims 1-3 and 5. (Office Action, pages 2-3). However, the Examiner fails to address the limitations of dependent Claim 8. Schmittou, Kobayashi, and Sigmund fail to teach, disclose, or suggest, alone or in combination, the intermediate plate of Claim 8. Further, the Examiner’s rejection fails to address the limitations actually recited in the claim, and therefore, the Examiner has failed to establish a prima facie case for obviousness regarding the above-quoted limitation of Claim 8.

For at least the reasons stated above, Schmittou, Kobayashi, and Sigmund fail to teach, disclose, or suggest, alone or in combination, all of the limitations of dependent Claim 8. Therefore, Claim 8 is patentable over Schmittou, Kobayashi, and Sigmund. Accordingly, withdrawal of the §103(a) rejection of Claim 8 is respectfully requested.

Claims 1-2 and 5-9 are dependent claims, and are believed to be in condition for allowance for at least the reasons given above with regard to independent Claim 3.

Accordingly, all of the claims pending in the Application, namely, Claims 1-3 and 5-9 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

THE FARRELL LAW FIRM, LLP

290 Broadhollow Road, Suite 210E

Melville, New York 11747

Tel: (516) 228-3565

Fax: (516) 228-8475